

## BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: February 16, 2005

Division: Community Services

Bulk Item: Yes x No       

Department: ~~Social Services-Bayshore Manor~~

Louis LaTorre, Division Director

**AGENDA ITEM WORDING: Approval to change two substitute positions to part-time position status at Bayshore Manor.**

**ITEM BACKGROUND:** The substitute attendant position at Bayshore Manor is not providing coverage and meeting staffing standards of the State. The part-time position would provide consistent coverage. (See attached memo)

**PREVIOUS RELEVANT BOCC ACTION:**

None

**CONTRACT/AGREEMENT CHANGES:**

**none**

**STAFF RECOMMENDATIONS: Approval**

**Due to Rules and Regulations under the State of Florida Retirement System we need to replace two substitute positions with part-time positions.**

**TOTAL COST:** ..... **Budgeted**

**BUDGETED:** Yes x No

**COST TO COUNTY:** \_\_\_\_\_ Budgeted

**SOURCE OF FUNDS:** General Revenue  
(Ad Valorem)

REVENUE PRODUCING: Yes ☐ No ☒ AMOUNT PER MONTH \_\_\_\_\_ Year \_\_\_\_\_

**APPROVED BY:** County Atty \_\_\_\_\_ OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DIVISION DIRECTOR APPROVAL:**

**James E. Malloch**

**DOCUMENTATION:** Included x Not Required

**DISPOSITION:**

**AGENDA ITEM #**



Monroe County Administrative Services  
Personnel Office  
1100 Simonton Street 2nd Floor  
Key West, FL 33040 Phone: 305-292-4458



**BOARD OF COUNTY COMMISSIONERS**

MAYOR Dixie M. Spehar, District 1  
Mayor Pro Tem Charles "Sonny" McCoy, District 3  
George Neugent, District 2  
David P. Rice, District 4  
Murray E. Nelson, District 5



TO: Susan Scarlett, Sr. Administrator  
Bayshore Manor

FROM: Teresa Aguiar, Personnel Administrator

THRU: Sheila Barker, Division Director  
Management Services

DATE: January 20, 2005

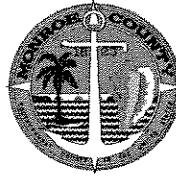
SUBJ: On Call Substitute Attendants  
Work Hours

As you know, I contacted you recently regarding the work hours of Claudette Williams (see memo from Payroll attached). When I spoke to you, you explained that she works consistently, filling in, on an employee's scheduled days off. This would make Ms. Williams a part-time employee, which also means that the County is obligated to contribute towards retirement – a budgeted expense. Unfortunately, you cannot continue to have Ms. Williams work the schedule that she has been and by doing so is in violation of the below:

- FRS Rules: On-Call Positions are positions filled by employees who are called to work unexpectedly for brief periods. If an employee has a work schedule and works consistently month after month, the employee should be enrolled in the FRS.
- Personnel Policies: The establishment of a new position can only be authorized by the BOCC, subject to adequate justification of need and availability of funds.
- Personnel Policies: A substitute employee shall not be eligible for County fringe benefits.

I also understand from speaking to you that under law you are obligated to have a certain number of employees/staff hours and the only way that this can be done is by having your on-call position fill in. Again, I want to suggest to you that you consult with your Department Head and look into having another full-time or part-time position budgeted in the future due to your obligations under law.

cc: Louis LaTorre  
Jim Malloch  
Zenaida - Payroll



**BOARD OF COUNTY COMMISSIONERS**

Mayor Dixie M. Spehar, District 1  
Mayor Pro Tem Charles "Sonny" McCoy, District 3  
George Neugent, District 2  
David P. Rice, District 4  
Murray E. Nelson, District 5

January 26, 2005

To: Sheila Barker, Division Director  
Management Services

Thru: Louis La Torre, Division Director  
Social Services

From: Susan Scarlet, Sr. Administrator Bayshore Manor

Subject: On Call Substitute Attendants Work Hours

This memo is in response to the memorandums from payroll and personnel about the use of Bayshore Manor sub-attendant position. The sub-attendant position at Bayshore Manor is not working. When I call the sub-attendants to work unexpectedly for brief periods they are not available due to their own full time job and family responsibilities. What has worked is to use the sub-attendant in the schedule when they are available and move my staff around to cover the deficiencies. This has been the only way I can staff Bayshore Manor up to the State standards. Since using the sub-attendant position in this way is in violation with the State FRS guidelines and Monroe County Personnel Policies; I would like to request that we change the position to a part-time position so that I can regularly schedule this employee and easily meet my staffing standards and comply with FRS guidelines and County Personnel policy.

Under Florida Administrative Code Chapter 58A-5.019(4)(a)1 for Assisted Living Facilities Department of Elder Affairs the rule states that facilities with 16-25 residents shall maintain 253 staff hours per week. Staff whose duties are exclusively clerical or custodial shall not be counted. The administrator's time may be counted provided the administrator is actively involved in the day to day operation of the facility (Bayshore Manor counts the administrator's 40 hours a week and 20 hours a week from the administrative assistant). Some weeks when an employee is out sick or on vacation for example this week one attendant is on vacation and the total hours are 244 including administrator and assistant. We are in compliance because we only have 14 residents at this time and the requirement is 212 hours for 6-15 residents. If we had full capacity, 16 residents we would have been out of compliance.

It is very difficult to find good reliable candidates for this position. Over the past year I have

reviewed many applications for the sub-attendant position and only hired one. This CNA position is one of increased responsibility that requires experience. At the present time in Key West it is difficult to find anyone that does not have a full time job commitment and can be on call. What usually happens is I call for a substitute and cannot find someone at the last minute and if the regular staff is short I must fill in and then I am unable to work my administrative shift the next day. It would be beneficial to the entire staff and residents of Bayshore Manor to have someone that is highly qualified and committed to assisting us available on a regular basis. Bayshore Manor has two sub-attendants at this time Claudette Williams and Luxanne Thomas. Luxanne works full-time and is full-time nursing student and can only provide relief on Friday nights, so this is not helpful to Bayshore Manor staff when we need someone unexpectedly during the rest of the week. Claudette Williams has been working here as a sub-attendant since 1995 and has excellent job performance. She is well liked and respected by staff and residents. Claudette has worked full-time day shift at the hospital in the pharmacy department for 25 years. She is able to work any evening shift after work to fill in at Bayshore and very willing to be as flexible as possible. I can work the other employees schedule around these evening shifts that she is able to work to obtain the correct amount of hours a week and properly staff Bayshore Manor. At this time it is necessary that I schedule Claudette one or two times a week to meet the state requirements and have the ability to move the schedule around to cover sick calls and vacation time.

The part-time position would provide this steady coverage to Bayshore Manor. Without this position we will incur costly overtime hours for our full-time employees. We have found that to retain this staff and not create worker burn-out in this demanding position the staff needs their two consecutive days off to rest. They are not interested in the overtime hours and will only provide the coverage in an emergency. If I lose employees due to the short staffing and demanding schedules it will be costly to hire and train new ones. Most of the Bayshore Manor staff has been here 6-10 years and are committed to staying in the keys. With the high cost of living in the keys at present time I am not certain that we could recruit qualified candidates to fill these positions. I am most concerned with keeping the steady excellent quality of care that this dedicated team of employees has delivered.

In closing, under FRS rules and personnel policy I have been advised that we are in violation of guidelines and cannot continue to use the sub-attendant position in the regular schedule. The state requires that employees working a regular schedule receive retirement benefits and the County policy for substitute employees does not provide fringe benefits, due to this on going problem we need to create one or two part-time positions in place of the substitute position. **We do not anticipate an increase in the current budget to create these positions.**